

PROB 12A
(6/21)

United States District Court
for
District of New Jersey
Report on Individual Under Supervision

Name of Individual Under Supervision: James S Biear

Cr.: 20-00246-001
PACTS #: 3044693

Name of Sentencing Judicial Officer: THE HONORABLE P. KEVIN CATEL
UNITED STATES DISTRICT JUDGE (SD/NY)

Name of Assigned Judicial Officer: THE HONORABLE SUSAN D. WIGENTON
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 03/29/2012

Original Offense: Interstate Transportation of Stolen Property, 18 U.S.C. § 2314
Wire Fraud, 18 U.S.C. § 1343
Bank Fraud, 18 U.S.C. § 1344
Mail Fraud, 18 U.S.C. § 1341
Access Device Fraud, 18 U.S.C. § 1029(a)(5)
Money Laundering, 18 U.S.C. § 1957 (5 Counts)

Original Sentence: 120 months imprisonment, 4 years' supervised release

Special Conditions: Financial Disclosure, New Debt Restriction, \$3,386,423.18 in Restitution.

Type of Supervision: Supervised Release

Date Supervision Commenced: 08/09/2018

NONCOMPLIANCE SUMMARY

The individual under supervision has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	Failure to satisfy restitution.
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U.S. Probation Officer Action:

On July 24, 2020, Your Honor signed a Request for Modifying the Conditions or Term of Supervision with Consent of the Individual Under Supervision (*Probation Form 12B*), modifying Biear's payments to \$25 monthly at the recommendation of the probation office as the Southern District of New York did not order a payment schedule with respect to Biear's financial obligations while on supervision.

Throughout his term of supervised release, Biear has paid \$382,316.53 towards his restitution. The individual under supervision's term of supervision is due to expire on August 8, 2022, with an outstanding restitution balance of \$3,004,106.65. The Financial Litigation Unit of the United States Attorney's Office was notified of the expiration of supervision and has a standing order for garnishment of the person under supervision's earnings and all future income tax refunds via the Treasury Offset Program (TOP). This Office recommends the supervision term be allowed to expire as scheduled since the restitution order remains imposed as a final judgment, pursuant to Title 18, U.S.C., Sections 3554 & 3613.

Respectfully submitted,

SUSAN M. SMALLEY, Chief
U.S. Probation Officer

Elisa Martinez

By: ELISA MARTINEZ
Supervising U.S. Probation Officer

/ kam

PREPARED BY:

Kelly A. Maciel

05/16/2022

KELLY A. MACIEL

Date

U.S. Probation Technician

Please check a box below to indicate the Court's direction regarding action to be taken in this case:

- ☒ Allow Supervision to Expire as Scheduled on August 8, 2022 (as recommended by the Probation Office)
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other



Signature of Judicial Officer

May 19, 2022

Date